

Message Text

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SUBJ: THE LIMITS OF THE LAW

REF: MOSCOW 12714

1. IZVESTIYA OF AUGUST 11 HIT A BULLS EYE IN THE FORM OF AN ARTICLE DISCUSSING ONE PREVALENT ATTITUDE TOWARD THE LAW BY SOVIET OFFICIALS. THE SYNDROME IS ONE WHERE OFFICIALS VIOLATE THE LETTER AND SPRIT OF A PARTICULAR LAW BY INTERPRETING IT ARBITRARILY AND RESTRICTIVELY, IN DEFIANCE OF THE PLAIN LANGUAGE AND INTENT OF THE LAW ITSELF, OF COMMON SENSE, AND OF THE RIGHTS OF CITIZENS.

2. THUS, IN ENFORCING NEW REGULATIONS FOR THE REGISTRATION OF FIREARMS, ONE MILITIA HEADQUARTERS REQUIRED OWNERS OF RIFLES TO SUBMIT, IN ADDITION TO THE DOCUMENTATION SPECIFIED BY THE REGULATIONS, THE FOLLOWING: (A) A REPORT BY A MILITIAMAN ON DUTY IN THE DISTRICT WHERE THE APPLICANT LIVES, (B) STATEMENTS BY NEIGHBORS, (C) A KHARAKTERISTIKA FROM PLACE OF EMPLOYMENT, (D) A STATEMENT BY A PSYCHIATRIST, AND (E) A STATEMENT FROM THE LOCAL DRYING-OUT STATION FOR DRUNKS -- ALL STAMPED AND NOTARIZED*

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3. IN ANOTHER INSTANCE, THE OWNER OF A ZHIGULI WHO WANTED TO NOTARIZE A STATEMENT GIVING HIS FATHER THE RIGHT TO USE HIS CAR WAS FLATLY REFUSED THIS SERVICE BY THE LOCAL NOTARY'S OFFICE. HE WENT TO COURT AND EVENTUALLY IT TOOK AN OPINION OF THE RSFSR SUPREME COURT TO DIRECT THE NOTARY'S OFFICE TO PERFORM THE REQUIRED SERVICE.

4. THE AUTHOR REMINDS THE READERS THAT NO ONE HAS THE RIGHT TO INTERPRET THE LAW ARBITRARILY. HE ALSO INVOKES THE AXIOM, "THAT WHICH IS NOT FORBIDDEN BY LAW, IS PERMITTED..." " IN OTHER WORDS, CITIZENS HAVE THE RIGHT TO ENTER INTO ANY LEGAL RELATIONSHIP AND TO CONCLUDE ANY TRANSACTION THAT IS NOT SPECIFICALLY FORBIDDEN BY THE LAW. AND IN SUCH INSTANCES IT IS NOT NECESSARY TO REQUIRE ANY SPECIAL PERMISSION."

5. COMMENT. PERHAPS THE MOST COMMON FEATURE OF SOVIET LIFE THAT SHAPES THE RELATIONSHIP BETWEEN THE PEOPLE AND THE REGIME, AS WELL AS THE ATTITUDES OF PRIVATE CITIZENS AND OFFICIALS ALIKE TOWARD THE LAW, IS "PROIZVOL" -- THAT IS, THE ARBITRARY USE OF POWER AND THE ARBITRARY INTERPRETATION OF LAW BY THOSE IN AUTHORITY. THE FAILURE OF THE REGIME TO RESPECT ITS OWN LAWS IN TURN SHAPES POPULAR ATTITUDES OF DISREGARD FOR THE LAW. DISSIDENTS, OF COURSE, BEAR THE BRUNT OF "PROIZVOL", BUT IT PERMEATES ALL ASPECTS OF LIFE AND IMPOSES A HEAVY BURDEN ON CITIZENS IN ATTENDING TO EVEN SIMPLE, NON-POLITICAL REQUIREMENTS OF DAILY LIFE. ALTHOUGH ARTICLES ON VARIOUS ASPECTS OF SOVIET LEGALITY AND CONCERN FOR HUMAN RIGHTS APPEAR WITH A FAIR DEGREE OF REGULARITY IN THE SOVIET PRESS, MOST OF THEM ONLY SERVE TO UNDERLINE THE GREAT GULF EXISTING TODAY BETWEEN OFFICIAL PORTRAYALS AND ACTUAL REALITY. THE PRESENT ARTICLE, FOR ONCE, TELLS IT LIKE IT IS, AND MAY BE INDICATIVE OF SOVIET AWARENESS THAT THERE IS MUCH TOO MUCH "PROIZVOL" AROUND.
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